

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed June 17, 2010. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 38 and 46 have been amended. No new matter has been added. Accordingly, Claims 38-62 will remain pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Rejections - 35 U.S.C. § 112

On pages 2-3 of the Detailed Action, the Examiner rejected Claims 38-62 under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleged that independent Claims 38, 44 and 61 recite a second cavity that is defined by the first mold section, the second mold section, the first resin, the second side surface of the shut-off member and the angled surface of the shut-off member in the second position, and noted that, based on the drawings, the second side surface never comes into play in defining the second cavity. Applicants thank the Examiner for noting this typographical error. In response, Applicants have amended Claim 38 to replace the “second side surface” with the “front surface” when reciting which structures define the second cavity. Applicants note that neither Claim 44 nor Claim 61 recite the subject matter of a side surface when reciting which structures define the second cavity and, as such, Applicants do not believe that any amendments are required for such claims or the claims that depend there from. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 38-62 under 35 U.S.C. § 112, ¶ 1.

On pages 3-4 of the Detailed Action, the Examiner rejected Claim 46 under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner noted that in Claim 46, the shut-off member is disposed within the first mold section while Claim 44 states that the shut-off member retracts into the second mold section. Applicants once again thank the Examiner for noting this typographical error. In response, Applicants have amended Claim 46 to recite the shut-off member is disposed in the second mold section rather than in the first mold section. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 46 under 35 U.S.C. § 112, ¶ 2.

Claim Rejections - 35 U.S.C. § 102

On pages 4-7 of the Detailed Action, the Examiner rejected Claims 61 and 62 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,618,485 to Gajewski (“Gajewski”). This rejection should be withdrawn because Gajewski fails to disclose, teach or suggest the claimed invention.

For example, independent Claim 61 recites a “method of making a molded article” comprising, among other elements, “providing a mold having a first mold section, a second mold section, a first shut off member and a second shut-off member, the first mold section providing an A-surface of the molded article . . . wherein the A-surface of the molded article is defined by [a] first resin, [a] second resin and an interface between the first resin and the second resin.”

In rejecting independent Claim 61, the Examiner alleged that Gajewski teaches a method of making a molded article that comprises providing a mold that forms an A-surface of the molded article. Applicants respectfully disagree. In contrast, the component formed by the mold in Gajewski (specifically, an “insert 12” and a “door 24”) is a component of an “instrument panel 10” that gets covered by a “foamed material 16” and a “skin shell 14” (col. 4, lines 27-39, Figures 1 and 2). As such, the component does not define an A-surface of the instrument panel. As used in the present Application, and as generally understood by those skilled in the art, the

term “A-surface” refers to a surface of the molded article that is intended to be visible to an occupant of the vehicle. In Gajewski, it is the outer surface of the “skin shell 14” that forms the A-surface of the “instrument panel 10,” and not a surface of the molded article, as required by independent Claim 61.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claim 61 because at least one element of such claim is not disclosed, taught or suggested by Gajewski. Claim 62, as it depends from independent Claim 61, is allowable therewith for at least the reasons set forth above, without regard to the further patentable subject matter set forth in such claim. Reconsideration and withdrawal of this rejection of Claims 61 and 62 is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

On pages 7-19 of the Detailed Action, the Examiner rejected Claims 38-60 under 35 U.S.C. §103(a) as being unpatentable over Gajewski in view of U.S. Patent No. 7,060,215 to Schoemann et al. (“Schoemann et al.”). This rejection should be withdrawn because Gajewski, whether taken alone or in any proper combination with Schoemann et al., fails to disclose, teach or suggest the claimed inventions.

For example, independent Claim 38 recites a “method of making a molded article” comprising, among other elements, “providing a mold having a first mold section, a second mold section, and a shut-off member, the first mold section providing an A-surface of the molded article . . . the shut-off member comprising . . . an angled surface that extends between [a] forward surface and [a] first side surface . . . and forming an angled recess in the A-surface of the molded article having an upper surface provided by [an] angled surface of the shut-off member, wherein the upper surface is provided at a sufficiently flat angle relative to vertical by the angled surface of the shut-off member to obscure the interface between the first resin and the second resin from an occupant of the vehicle interior, wherein the A-surface of the molded article is

defined by [a] first resin, [a] second resin and an interface between the first resin and the second resin.”

Also, independent Claim 44 recites a “method of making a molded article” comprising, among other elements, “providing a mold having a first mold section, a second mold section, a first shut off member and a second shut-off member, the first mold section providing an A-surface of the molded article, the second mold section providing a B-surface of the molded article, the shut-off members are disposed within the second mold section . . . wherein the A-surface of the molded article is defined by [a] first resin, [a] second resin, [a] third resin, an interface between the first resin and the second resin, and an interface between the first resin and the third resin.”

Gajewski, whether taken alone or in any proper combination with Schoemann et al., fails to disclose, teach or suggest such methods. First, with regard to both independent Claims 38 and 44, and as set forth above, Gajewski does not teach a method of making a molded article that comprises providing a mold that forms an A-surface of the molded article, as asserted by the Examiner. As used in the present Application, and as generally understood by those skilled in the art, the term “A-surface” refers to a surface of the molded article that is intended to be visible to an occupant of the vehicle. The mold disclosed in Gajewski does not provide such a surface. In contrast, the article formed by the mold in Gajewski is a component of an “instrument panel 10” (specifically, an “insert 12” and a “door 24”) that gets covered by a “foamed material 16” and a “skin shell 14” (col. 4, lines 27-39, Figures 1 and 2). It is the outer surface of the “skin shell 14” that forms the A-surface of the “instrument panel 10,” and not a surface of the molded article, as required by independent Claims 38 and 44. As such, Gajewski is not pertinent to the problem that the inventors were trying to solve in the present Application, which was to provide a molded article that does not require a secondary finishing operation (e.g., masking, painting and/or covering with an outer skin), and one would not have been motivated to combine Gajewski with Schoemann et al., as suggested by the Examiner.

Also, with specific regard to independent Claim 38, Gajewski does not teach a method that comprises providing a shut-off member having an angled surface that extends between a forward surface and a first side surface of the shut-off member, as asserted by the Examiner. In contrast, Gajewski discloses a “blade 48” having an “angled wall 70” that extends between a “side wall 66” and a “subwall 68” rather than extending between the “side wall 66” and a “top wall 62” (Col. 5, lines 62-67, Figure 5). To extend the “angled wall 70” between the “side wall 66” the “top wall 62,” rather than between the “side wall 66” and the “subwall 68,” would not have been obvious to one skilled in the art because, to do so, would likely destroy a primary function of the “angled wall 70” of Gajewski, which is to create a “hinged connection 26” for the “door 24.”

With further regard to independent Claim 38, the Examiner failed to explain where Gajewski and/or Schoemann et al. disclose a method of making a molded article that comprises forming an angled recess in the molded article, as required by independent Claim 38. Applicants have amended independent Claim 38 to further clarify that the angled surface is provided in the A-surface of the molded article. Neither the article shown in Figure 1 of Gajewski, nor the articles shown in Figures 13, 14 and 19 of Schoemann et al., appear to have an angled recess in an A-surface of the molded article. While the Examiner provided an argument as to why it would have been obvious to one having the ordinary skill in the art to use an angled shut-off member to provide an upper surface that is provided at a sufficiently flat angle relative to vertical in view of the combination of Gajewski and Schoemann et al. (which Applicants respectfully disagree with), such an argument does not address the subject matter of an angled recess. Even if it may have been obvious to provide an upper surface that is provided at a sufficiently flat angle relative to vertical, it is not inherent that there must necessarily be an angled recess associated with the upper surface. For example, in Gajewski, no recess is provided at the transition between the “insert 12” and the “door 24” (see Figure 11) even though the “blade 48” has an angled surface. As for the argument that it would have been obvious to combine Gajewski and Schoemann et al. to make the invention as disclosed in Claim 38 because one would have been motivated to create a final product which is aesthetically pleasing to the end user, Applicants

refer back to its argument set forth above, and resubmit that one would not have been motivated to make such a combination because, in Gajewski, the A-surface of the component is provided by an outer skin material rather than an outer surface of the molded article. As such, the transition region between the “insert 12” and the “door 24” is covered up by the skin material, and there would have been no motivation to expend the effort to try and hide such a transition when such a transition would have already been hidden from the view of a vehicle occupant.

Accordingly, Applicants respectfully request withdrawal of the rejection of independent Claims 38 and 44 because the combination of Gajewski and Schoemann et al., as suggested by the Examiner, is improper. Further with regard to independent Claim 38, Applicants respectfully request withdrawal of the rejection because Gajewski, whether taken alone or in any proper combination with Schoemann et al., fails to disclose, teach or suggest at least one element of independent Claim 38. Claims 39-43, which depend from independent Claim 38 and Claims 45-60, which depend from independent Claim 44, are allowable therewith for at least the same reasons set forth above without regard to the further patentable subject matter recited in such claims. Reconsideration and withdrawal of the rejection of Claims 38-60 under 35 U.S.C. § 103(a) is respectfully requested.

* * *

Applicants respectfully submit that each and every pending rejection has been overcome, and that the present Application is in a condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the Application is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent

application and/or any patents or patent applications to which priority is claimed by this patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 9/17/2010

By /Adam M. Gustafson/

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (414) 297-5652
Facsimile: (414) 297-4900

Adam M. Gustafson
Attorney for Applicant
Registration No. 54,601